

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

ANTHONY J. CABLE,]	
]	
Petitioner,]	
]	
v.]	CV-06-RDP-RRR-4788-NE
]	
THE ALABAMA BOARD OF]	
PARDONS AND PAROLES, et al.,]	
]	
Respondents.]	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The petitioner, Anthony J. Cable, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254. In his petition, Cable challenges the July 24, 2002 revocation of his parole in Montgomery County Circuit Court case number CV-04-480.¹

The Circuit Court of Montgomery County and the Alabama Board of Pardons and Paroles are located in the Middle District of Alabama. The petitioner is incarcerated at the Limestone Correctional Facility, which is located in the Northern District of Alabama. Although the Middle and Northern District Courts have concurrent jurisdiction to entertain the application, the court concludes that the more appropriate forum is the Middle District of Alabama, since Cable was convicted in Montgomery County, the Alabama Board of Pardons and Paroles is located there, and the initial challenge to the revocation proceedings took place there. This is especially true if appointment of counsel and an evidentiary hearing are required.


¹ Cable maintains that his initial challenge to the revocation proceedings took place in the Montgomery County Circuit Court.

Accordingly, the magistrate judge recommends that, for the convenience of the parties and potential witnesses in this case and in the furtherance of justice, this case be TRANSFERRED to the United States District Court for the Middle District of Alabama, pursuant to 28 U.S.C. Section 2241(d).

Any party may file specific written objections to this report within fifteen (15) days of the date it is filed in the office of the Clerk. Any objections filed must specifically identify the findings in the magistrate judge's recommendation to which the objections pertain. Frivolous, conclusive, or general objections will not be considered by the District Court. Failure to file written objections to the proposed findings and recommendations of the magistrate judge's report shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). A copy of the objections must be served upon all other parties to the action.

The Clerk is DIRECTED to serve a copy of this Report and Recommendation on counsel for the petitioner and counsel for the respondents.

DONE this 10th day of January, 2007.


ROBERT R. ARMSTRONG, JR.
UNITED STATES MAGISTRATE JUDGE